

IN THE NORTHERN DISTRICT COURT OF THE UNITED STATES,

VS.

Preston James, DEFENDANT.

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

OCT 15 2015

LAWRENCE K. BAERMAN, CLERK
ALBANY

**PETITION FOR HABEAS CORPUS RELIEF AND FOR
DISMISSAL DUE TO FAILURE TO PROVIDE SPEEDY
TRIAL**

On this date came the Defendant, Preston James, pursuant to United States Code, § 3161 moves that the Honorable Court to dismiss the matter herein and Order the immediate release of the Defendant from custody.

In support of said motion, the Defendant asserts the following:

- . (1). That the Defendant was arrested on July 23, 2015 and charged with violating U.S.C. 841(b)(1)(b), *Distribution of a Controlled Substance, 28 grams or more.*
- . (2). That the Defendant was incarcerated on July 23, 2015 and has been continuously incarcerated since that time; □
- . (3). That the preliminary hearing was waived on July 24, 2015.
- . (4). That United States Code, § 3161 states that a person incarcerated on a criminal complaint shall be indicted within thirty days of the filing of said complaint.□
- . (5). That eighty-two days have passed since the filing of the criminal complaint and the defendant is entitled to release from custody and dismissal of the matter herein. □Therefore, the Defendant requests that the Court grant the relief

requested in the petition herein □

And Order that the Defendant be released from custody, and further request that the court dismiss the matter with prejudice herein.